

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DENNIS JAMES BROWN,

Petitioner,

v.

Civil Action No. 3:08CV65

VIRGINIA DEPARTMENT OF
CORRECTIONS,

Respondent.

MEMORANDUM OPINION

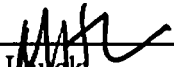
Petitioner, a Virginia state prisoner, filed a petition for a writ of habeas corpus challenging his 1989 convictions in Circuit Court for the City of Portsmouth for robbery, abduction, and use of a firearm. This Court previously has denied a 28 U.S.C. § 2254 petition challenging those convictions. *See Brown v. Angelone*, No. CA-97-854-AM (E.D. Va. July 31, 1997), *mot. to reconsider denied*, Sept. 4, 1997 (Bryan, J.).

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by establishing a “gatekeeping mechanism.” *Felker v. Turpin*, 518 U.S. 651, 657 (1996) (internal quotations omitted). Specifically, “[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). On July 14, 2008, the United States Court of Appeals for the Fourth Circuit denied Brown’s motion for an order

authorizing a successive petition for habeas relief. *In re Dennis James Brown*, No. 08-187 (4th Cir. July 14, 2008). Therefore, this Court lacks jurisdiction to consider his second application for habeas corpus relief.

Respondent's Motion to Dismiss (Docket No. 23) will be GRANTED. The petition will be DISMISSED for lack of jurisdiction. (Docket No. 1.)

An appropriate Order shall issue.

_____/s/ 
M. Hannah Lauck
United States Magistrate Judge

Richmond, Virginia
Date: 2/23/09